

**The Times-Dispatch**  
DAILY—WEEKLY—SUNDAY.  
Business Office.....110 E. Main Street,  
Manchester Bureau.....1102 Hull Street,  
Richmond Bureau.....40 N. E. Main Street,  
Lynchburg Bureau.....115 Eighth St.  
BY MAIL, One Six 50 One  
POSTAGE PAID, Year, Mo., Mo., Mo.  
Daily with Sunday.....\$3.00 \$1.50 .55  
Daily without Sunday.....4.00 2.00 1.00 .25  
Sunday edition only.....2.00 1.00 .50 .25  
Weekly (Wednesday), 1.00 .50 .25 .10

By Times-Dispatch Carrier Delivery Service in Richmond (and suburbs), Manchester and Petersburg—  
One Week, 14 cents  
Daily without Sunday.....10 cents  
Sunday only.....5 cents  
Entered January 27, 1902, at Richmond, Va., as second-class matter under act of Congress of March 3, 1879.

SATURDAY, MARCH 13, 1909.

**THE WARD LAW AND THE ELECTION CASES.**

Both interest and authority attach to the views of C. O'Conor Gooldrick, of Fredericksburg, regarding the special election cases, because of Mr. Gooldrick's connection with one of these cases as attorney and the trained study he has undoubtedly given to the whole situation. In the letter printed in another place this morning Mr. Gooldrick makes the point that a court decision declaring the Ward law unconstitutional would not invalidate all recent bond issues and local option elections, but only those in which complaint has been duly made and a contest filed within the time specified by law. The election, in other words, is not invalid on its face, he contends, but must become so by due process of law. Mr. Gooldrick cites both the act of the Assembly of 1903 regarding the issuance of road and bridge bonds, and the Code, chapter 43, dealing with the same subject. In each this stipulation regarding the contesting of such bond issues appears in identical language: "Such complaint shall not be valid unless it shall have been filed within thirty days after the said election in the clerk's office of the said Circuit Court." Similarly, the local option law, chapter 25 of the Code, provides that "said complaint shall be filed and notice given within ten days after the election; otherwise the complaint shall not be valid." In the absence of these complaints, as we understand Mr. Gooldrick, special elections, whether held under the Ward law or not, will stand as valid.

Having no desire to rush in where experts disagree, The Times-Dispatch feels a natural diffidence in taking issue with Mr. Gooldrick. Yet it is not easy to believe that his argument here is altogether sound. Where special elections have been held through the familiar machinery provided by the Code, his logic is, of course, without a flaw. But where county voters have taken advantage of the peculiar provisions offered by the Ward law, it would seem that the situation is quite different. The attack upon this law is based on the fact that it appears to qualify a different suffrage from that prescribed by the Constitution. Men can vote in a Ward law election to whom the Constitution, by its requirement for poll-tax prepayment, would seem to deny that privilege. Now, the constitutionality of a law is, in our understanding is correct, a matter with which the complaints of citizens have little or nothing to do. Acts performed outside of the Constitution are ab initio null and void, nor can any acquiescence in an unconstitutional act on the part of citizens vest that act with validity. No measure passed by the Legislature can establish the point that an unconstitutional act shall become valid, provided that the citizens fall to protest against it within a certain number of days. This is an effect which can be accomplished only by provision of the Constitution itself.

Doubtless some of the recent special elections have happened to fall at times when all the voters who took part in them were constitutionally qualified. These, we suppose, would stand. But where it should appear that voters took part in an election who had no constitutional right to do so, it is difficult to see how such an election could stand, whether notice of contest had been filed or not. No statutory provision, so far as our understanding goes, can in any way give validity to an unconstitutional act.

**THREE ALDERMEN'S OPPORTUNITY.**

On Monday night the Weather Bureau matter will come up for reconsideration before a special called meeting of the Board of Aldermen. This meeting will offer a splendid chance for the six Aldermen who have opposed the Chimborazo Park site to line themselves up, one or all, on the side of progressive Richmond and the common good.

The Times-Dispatch realizes that it is not easy for a man to change his position in a matter of this sort. He has spoken his mind, declared his intentions and recorded his vote, and a very natural kind of pride leads him to think that it has become his duty to stand firm. To budge now, he thinks, is to be inconsistent and to stultify himself; not to budge is to show himself a man of unshakable convictions, stout courage, and indifference to popular clamor. Nobody likes to appear as admitting himself to have been in the wrong, nor is this feeling in any way unnatural or discreditable. To make a change in a matter of this sort, about which a great deal of public interest and public feeling has centered, is a hard thing to do. But it is just because it is hard, and because such an act would display a largeness of character and a willingness to sacrifice, and a keen sensitiveness to public obligation that some of these Aldermen may think it to be admirably worth doing.

The situation of the three Marshall Ward Aldermen is, as has been frequently noted, complicated. They are understood to feel a dominating sense of obligation to their particular constituents. But the three other opposing Aldermen have no such impediments. They are obligated to nothing in the world, except to their sense of what is right. They can vote as they please on the United States government's offer of no remote thought of jeopardy to their seats.

These three Aldermen, then, Mr. Whitte, Mr. Adams and Mr. Donahoe, have an unexampled chance to defer their personal desires to the desires of the almost unanimous city. Their position is well understood, and a graceful withdrawal from it now would bear no distant resemblance to a "backdown." Believing that it is an unwise policy to place any public building in a park, they have argued and so voted long after it became evident that they were on the unpopular side. In doing this they have stood up stoutly for their convictions, and have fully discharged their duty to themselves. But now a far higher duty summons them, namely, their duty to the city of Richmond. Circumstances have made it unmistakably plain that the overwhelming majority of citizens desire to see this building rise in Chimborazo Park. It is within the reach of any one of these three men to fulfill this civic desire. In doing so, he would not be surrendering one thing that is worth holding to. He would abandon no principle, he would not be convicted, stultified or recorded. On the contrary, he would be discharging grave responsibilities as a public officer in the truest, fullest and finest sense.

Such an opportunity to display a wholesome public spirit at a personal sacrifice may not be offered to any of these men again in their lifetimes. It is impossible for us to believe that all of them will let it slip by.

**COUNTRY SCHOOLS IN VIRGINIA AND ELSEWHERE.**

A fuller appreciation of the far-reaching effects of improved country school conditions is gradually percolating through the minds of editors who live in great cities. Those who dwell in the country have seen and known for themselves the magnitude of the change for the better which has come to the school child of the rural districts; but it is not, therefore, to be supposed that such papers as the New York Evening Post, for example, could of its own knowledge understand this improvement. Recently, however, Professor Edward C. Elliot has prepared for the United States Bureau of Education a review of what has been accomplished for the betterment of country schools, and thereby has illuminated many sanctuaries.

Among other things, Professor Elliot's digest shows that the State is giving more money to the country districts and exacting in return more power over instructors and courses of study. "Since October, 1906," says the New York Evening Post, "no fewer than twenty-six States have increased their school funds and have adopted more liberal rules of distribution. Minnesota has agreed to furnish each of fifty consolidated country schools with land for buildings and lessons in agriculture, and pupils are transported back and forth at the State's expense. Ohio, a pioneer in the system of transportation, has centralized schools in 157 townships. Connecticut is adding schools in towns that have a valuation of less than \$10,000, and everywhere the life of the country school is being quickened."

All these signs of better times properly delight the Evening Post and should encourage every friend of education. But our New York contemporary by no means tells the whole story. Either Dr. Elliot overlooked some important facts or the New York commentator failed to mention them, for the remarkable and almost unbelievable development of educational facilities in Southern States is nowhere referred to.

Five years ago there were less than twenty country high schools in the States that succeeded in 1861, and of these five were in Virginia. To-day there are 353 country high schools in Virginia alone, and, judged by the progress of the past five years, the South bids fair to offer better opportunities to the country school child than any other section of the country. In Virginia Thomas Jefferson's dream of a high school within a day's ride of every child has been realized and surpassed; and if the present growth continues it will be remarkable if those who can afford it do not deliberately leave the city for the country for the sake of their children's education.

In speaking of the miserable conditions which obtained in country schools in the past, our New York contemporary says: "Our rural schools have been heretofore without becoming efficient, American farmers and villagers have made pathetic sacrifices to educate their children, but too often the reward has not measured up to a tithe of the effort." This statement is undeniably true, but a better day has dawned for the country school child. The rules and regulations laid down by the State Board of Education in Virginia, combined with the amount of money which the State is giving and which the counties, in many instances, are raising of their own volition, demonstrate beyond peradventure that the school children of the country districts in Virginia are destined to receive all the opportunity and the care which heretofore has been thought to be the peculiar lot of city dwellers. When the country child has the education of the school added to the immeasurable benefits of the education gained on the farm and in the field, the advantages of the country over the city, for childhood at least, should be made manifest.

**SAVE THE ROBINS.**

The robin is with us again, and on his trail the poet-hunter. How many of these friendly little songbirds are

butchered every year in Virginia it would be impossible to say, but the number is certainly enormous. It makes no difference that it is against the law to kill them. There are more men with guns in Virginia than there are game wardens, and so the massacre runs merrily on.

**Borrowed Jingles.**

HOPELESS CASE.  
Energetic and active—  
Say, she's nearly dead!  
Energetic and active—  
When she goes to bed!  
Fleeting, bending, never ending.  
Must be sick and dead!  
All this labor for what?  
Just because she's fat.

**THE COURTS OF EUROPE.**

By La Marquise de Fontenay.

ICELAND WANTS HER INDEPENDENCE.  
KING FREDERICK seems to be in a serious danger of losing a portion of his kingdom. Iceland is bent on cutting herself entirely adrift from Denmark, and determining to establish a republic. The Danish government, which is identified in the history of the island with the greatest prosperity and glory, is, of course, not inclined to grant the late King Christian in 1874, almost complete home rule, the island, being then vested in the Danish crown, and the Danish government, which is identified in the history of the island with the greatest prosperity and glory, is, of course, not inclined to grant the late King Christian in 1874, almost complete home rule, the island, being then vested in the Danish crown, and the Danish government, which is identified in the history of the island with the greatest prosperity and glory, is, of course, not inclined to grant the late King Christian in 1874, almost complete home rule, the island, being then vested in the Danish crown, and the Danish government, which is identified in the history of the island with the greatest prosperity and glory, is, of course, not inclined to grant the late King Christian in 1874, almost complete home rule, 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